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June 8, 2005

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Art Unit 1647

Examiner: R.K. Hunnicutt

Attn: Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 09/869,565; Filed: October 17, 2001

PTH Receptor and Screening Assay Utilizing the Same

Inventors:

GARDELLA et al.

Our Ref:

0609.4730000/SRL/PAC

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Second Supplemental Information Disclosure Statement;
- 2. Two pages of Form PTO-1449;
- 3. Copies of documents (AL5-AP5 and AL6-AM6) as listed on Form PTO-1449; and
- 4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Steven R. Ludwig

Attorney for Applicants Registration No. 36,203

SRL/PAC:dbi

406933_1.DOC **Enclosures** Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:

Gardella et al.

Appl. No.: 09/869,565

Filed: October 17, 2001

For: **PTH Receptor and Screening**

Assay Utilizing the Same

Confirmation No.: 4604

Art Unit:

1647

Examiner:

R.K. Hunnicutt

Atty. Docket: 0609.4730000/SRL/PAC

Second Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed November 6, 2003, in connection with the above-captioned application.

Copies of all U.S. Patents and U.S. Patent Application Publications, cited on Form PTO-1449 as documents AG1-AK1, are not provided in accordance with 37 C.F.R. § 1.98(a)(2).

Copies of documents AR38-AT38 are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

A copy of each other document is included.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

- U.S. Patent Application No. 09/475,158, Gardella *et al.*, filed December 30, 1999 and cited herewith as document **AR38**;
- U.S. Patent Application No. 09/672,020, Gardella *et al.*, filed September 29, 2000 and cited herewith as document **AS38**; and
- U.S. Patent Application No. 10/959,605, Bringhurst *et al.*, filed October 7, 2004 and cited herewith as document **AT38**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Gardella *et al.* Appl. No. 09/869,565

This statement should not be construed as a representation that a search has been made,

or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted

herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office

Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No

statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed

Form PTO-1449, and indicate in the official file wrapper of this patent application that the

documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,

or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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(202) 371-2600 405848_1.DOC

Page 1 of 2 ATTY. DOCKET NO. APPLICATION NO. 0609.4730000/SRL/PAC 09/869,565 FORM PTO-1449 **APPLICANTS** Gardella et al. SECOND SUPPLEMENTAL FILING DATE ART UNIT ATION DISCLOSURE STATEMENT October 17, 2001 1647 U.S. PATENT DOCUMENTS INITIAL DOCUMENT NUMBER DATE NAME **CLASS** SUB-CLASS FILING DATE AA ΑB AC AD ΑE AF AG1 2003/0144209 07/31/2003 Bringhurst et al. 02/11/2003 AH1 2003/0162256 08/28/2003 Juppner et al. 02/25/2003 2003/0166838 Gardella et al. AI1 09/04/2003 07/11/2002 6,803,213 10/12/2004 Bringhurst et al. 05/30/2002 AJl AK1 2005/0026839 02/03/2005 Gardella 07/06/2004 **FOREIGN PATENT DOCUMENTS** EXAMINER CLASS DOCUMENT NUMBER DATE COUNTRY SUB-CLASS TRANSLATION INITIAL WO 00/23594 08/16/2001 **WIPO** AL5 No Yes AM5 WO 00/31266 09/19/2001 **WIPO** No Yes **WIPO** WO 00/40698 10/10/2001 AN5 No Yes AO5 WO 03/009804 02/06/2003 **WIPO** No Yes **WIPO** AP5 WO 2004/067021 08/12/2004 No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) U.S. Patent Application No. 09/475,158, Gardella et al., filed December 30, 1999 AR 38 (NOT PUBLISHED) U.S. Patent Application No. 09/672,020, Gardella et al., filed September 29, 2000 AS <u>38</u> (NOT PUBLISHED) U.S. Patent Application No. 10/959,605, Bringhurst et al., filed October 7, 2004 AΤ 38 (NOT PUBLISHED) **EXAMINER** DATE CONSIDERED EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

considered. Include copy of this form with next communication to Applicant.

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	AL6	WO 2004/093902	11/04/2004	WIPO				Yes No
	AM6	WO 2005/009358	02/03/2005	WIPO				Yes
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	AP							Yes No
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